

**1 1** Commissioner Padrig Flynn issued a statement in response to PM Europe S.A. on the subject of smoking.

**1 2** A California-EPA committee voted not to recommend ETS for identification as a developmental and reproductive toxicant under California's Proposition 65.

**2 4** According to press reports, after Czech Republic President Havel refused to sign into agreement an "antismoking" amendment, it was rejected by the national Parliament that had previously approved it. The amendment would have banned smoking in restaurants, cafes and pubs among other places.

#### **June 1995**

A Decree was reportedly issued in June 1995 to implement a law that regulates smoking in most public places in Costa Rica.

A study, by Riboli et al. entitled, "Validity of Urinary Biomarkers of Exposure to Tobacco Smoke Following Prolonged Storage," is published in which the authors attempt to explore the usefulness of cotinine for discriminating between smokers and non-smokers after more than 10 years of storage.

**9** The National Smokers Alliance (NSA) a US smokers rights group, placed a full-page advertisement in *The Wall Street Journal*.

#### **July 1995**

*The American Journal of Epidemiology*, Vol. 142, No. 2, published the following two studies:

"Characteristics of Nonsmoking Women in NHANES I and NHANES II Epidemiologic Follow-up Study with Exposure to Spouses Who Smoke," by Matanoski et al. which concluded that "we need to look at passive smoking and diet together rather than trying to judge the influence of one factor alone."

"Relation Between Exposure to Environmental Tobacco Smoke and Lung Cancer in Lifetime Nonsmokers, by Kabat, et al., which concluded "While this study had limited sample size, the pattern of odds ratios shows little indication of an association of environmental tobacco smoke with lung cancer in nonsmokers."

**1 2** According to *The London Times*, Beryl Roe, received UK\$25,000 in an out of court settlement from her employer after she claimed ETS exposure and bad ventilation in her office caused her ill health.

**1 8** In Israel, a law which had been instituted in October 1994 on a one-year basis and which either prohibited or restricted smoking in all workplaces Israel's was reportedly made permanent.

#### **August 1995**

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California EPA released an external review draft "Environmental Tobacco Smoke: Exposure Measurements and Prevalence," which is the fifth draft chapter in a comprehensive risk assessment on ETS to be made available for public review.

**14** "Lies, damned lies and medical statistics" by Philip E. Ross runs in *Forbes* magazine which discusses how business, doctors and the medical community prey on the anxieties of the general public.

#### **September 1995**

**13** According to press reports, Japan Airlines started testing a new system designed to keep ETS from spreading to the nonsmoking sections of an airplane.

**15** According to press reports the Olympic Committee set a smoke-free policy for the 1996 games in Atlanta.

**27** A study was published in *The Journal of the American Medical Association*, Vol 274, No. 12, entitled "Occupational Exposure to Environmental Tobacco Smoke," by Hammond, et al. which claimed that workplace exposure to ETS constitutes a substantial risk to workers.

#### **October 1995**

**2** The Executive Committee of the International Civil Aviation Organization (ICAO) adopted a report presented during the plenary session which stated that they would monitor progress of the implementation of the 1992 resolution urging member states to ban smoking on flights and consider the possibility of studying the development of separate smoking cabins for aircraft.

**23** The EPA announced its first-ever policy on evaluating health risks to children and infants from environmental hazards in the air, land, food and water. The policy took place November 1, 1995.

PM Europe S.A. reportedly launched another series of advertisements in major news publications. The ads conclude with the statement "With courtesy and consideration, smokers and nonsmokers can and do work it out for themselves."

#### **November 1995**

**14** The Congressional Research Service (CRS) released a report entitled, "Environmental Tobacco Smoke and Lung Cancer" was released by Senator Wendell Ford (D-KY). The report questioned the validity of the EPA risk assessment on ETS, criticizes the science underlying the proposed OSHA rule-making and reinforced previous CRS testimony on ETS made before Congress last year. Subsequent the reports release, Congressman Wendell Ford and Scotty Baesler as well as four Senators have written OSHA requesting that they reevaluate the OSHA proposed rulemaking in light of the report.

**22** The National Health & Medical Research Council released its draft report entitled, "The Health Effects of Passive Smoking." The report concluded that positive associations exist between passive smoking and certain diseases,

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including asthma in children, lower respiratory track illness and lung cancer.  
The draft report is now open for public comment until January 31, 1996.

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## **ASHRAE/BAQA**

### **January 1995**

**13** According to "Inside EPA" the EPA's Building Air Quality Alliance (BAQA), a program designed to reward building owners and managers for implementing prescribed indoor air quality protection measures, (amounting to smoking bans), has reportedly been criticized by industry sources who say the program is regulatory in nature and therefore unauthorized by Congress.

The purported benefits to those participating in the BAQA program are: EPA publicly recognizes the partners and partners are given materials which allow them to advertise their participation.

**30** SSPC 62, the ASHRAE project committee that is responsible for drafting a revision to Standard 62-89, met for three days at the end of January and little progress was made.

### **February 1995**

**6** According to Indoor Pollution News, an allegation that EPA failed to comply with the Paperwork Reduction Act delayed the launch of the BAQA project from its original January target.

### **March 1995**

**1** According to the *Federal Register*, EPA summarized its application for approval of the paperwork requirements of their BAQA project and asked for public comment on the application. The comment period ended March 31.

**14** In a letter to a member of Congress, EPA Administrator Carol Browner assured that non-participating business in the BAQA program would not be harmed in anyway and that the program is truly voluntary for business.

### **May 1995**

**23-24** EPA Administrator Carol Browner testified regarding EPA's budget request for FY96 and was questioned about BAQA.

**25** In a letter to EPA, Congressman Joe Barton, criticized the EPA with regard to EPA funding of the revision of ASHRAE 62-89 shortly after EPA's Gene Tucker was confirmed as chairman of the ASHRAE committee in charge of the revision. He criticized the BAQA program for its "coercive effect of the marketplace." He asked for EPA to submit to his committee numerous items to further his committee's investigation into possible "breaches of integrity within the agency."

### **June 1995**

**6** EPA withdrew its application for approval of BAQA's paperwork requirements.

**30** EPA's Gene Tucker was replaced as chairman in the revision on the ASHRAE 62-89. The committee continues to work.

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Also, according to press reports, the EPA's Inspector General initiates an investigation into the activities of Gene Tucker with regard to approval for a \$200,000 grant to ASHRAE during his chairing of the revision committee of ASHRAE 62-89.

**July 1995**

**19** At a meeting of the Interagency Committee on Indoor air, EPA's Robert Axelrad told the group that in relation to BAQA "this is the last time you will see the Alliance on the agenda because the program will not see the light of day."

**September 1995**

According to a press report, the director of EPA's Indoor Air Division, Robert Axelrad, canceled a tentatively scheduled meeting, apparently due to budget cuts, that would have considered ways to salvage the BAQA program.

**22** The ASHRAE committee that is revising Standard 62-1989 on ventilation met in California and continued its attempt to achieve a consensus on outstanding issues prior to the release of the proposed revision for public review. Steve Taylor, an engineer, was appointed as the new Chairman of the revision committee. He told the Committee members that he wants the revised standard out for public review in the Spring of 1996. Although the timetable is ambitious, it is likely to be met by this committee.

**October 1995**

**24** At IAQ'95, a conference sponsored by ASHRAE and EPA, a workshop was held on "Applied Filtration" at which engineers and filtration manufacturers presented engineering solutions for the control of ETS. The workshop was well attended and positively received by the engineers present.

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**INGREDIENTS**

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A letter to congressmen, state legislators and governors of all 50 states was sent along with PM release.

**21** The American Medical Association has vowed to oppose any legislation that gives special protection from liability to tobacco companies or tobacco products.

**July 1995**

**24** Congressman Henry Waxman takes the House Floor to accuse Philip Morris of conducting extensive research on nicotine in the past. Cites examples of "electroshock" experimentation and research on children. PM USA issues statement: "PM has always said that it studied why people smoke. . "

**25** *The Wall Street Journal* reports "Tobacco Industry Facing 2 Criminal Investigations" by Alix Freedman and Viveca Novak. Says that there are 2 Federal investigations underway: one into statements made by industry executives at the April 1994 Congressional hearings; the other into PM research activities following a June 8, 1995 New York Times article.

PM issues statement to those reporters calling in: "PM knows of no grand jury investigation."

**26** *The New York Times* reports "U.S. Convenes Grand Jury to Look at Tobacco Industry. The Justice Dept. has convened a grand jury in NY to investigate whether tobacco companies misrepresented the contents and ill effects of cigarettes to Federal regulators. In the piece, PM USA confirmed that it had received a subpoena for "some company documents" from the US Attorney for the Southern District of New York.

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## OTHER PRODUCT RELATED ISSUES

### May 1995

26 PM USA announced a \$100 million recall involving more than 8 billion cigarettes because of manufacturing defects in the filters. PM said that the filters provided by Hoechst Celanese are sprayed with a glycerin-based stiffening agent, or plasticizer, also supplied by Celanese during the manufacturing process. The company detected about six chemical contaminants in the plasticizer. The company received a week's worth of media coverage.

### June 1995

1 Letters sent to Congress, state legislatures, Governors.

5 *The Wall Street Journal* runs a piece in the law column by Milo Geyelin and Edward Felsenthal: "Big Philip Morris Cigarette Recall May Aid Plaintiffs Liability Cases."

13 The American Cancer Society accused the tobacco industry of infiltrating the agency in the 1970s to learn how it planned to address the idea of safer cigarettes. The cancer society said it discovered its private papers, dating to October 1979, in PM documents specified in *The New York Times* article.

14 James Morgan sends letter to Sheldon Belzer, Editor, Letters to the Editor, *The New York Times* to correct their inaccurate claims in their June 8th article.

15 *The Wall Street Journal* prints the piece "CDC Investigates 12 Reports of Ailments Linked to Philip Morris Cigarette Recall" by Suein Hwang. Philip Morris issued the following statement to the media calls that ensued from this piece: Philip Morris informed appropriate government agencies of the recall and provided information at that time. Philip Morris will continue to cooperate with appropriate government agencies, including the CDC.

19 Peter Grossi, Jr., an attorney for Arnold & Porter responded to Henry Waxman in a letter to Bill Campbell regarding the "new documents revealed in *The Times* to clear up the inaccuracies and innuendoes by Waxman regarding Campbell's testimony last year.

20 PM USA issues a statement from James Morgan that the recall has been completed and that more than 350,000 retail outlets have been restocked with fresh product. In addition, the statement explained that the plasticizer did not relate to the presence of MITC. The MITC is a natural breakdown product of thione, a packaging preservative approved by the FDA for many years for use in paperboard production. Thione is used in paperboard packaging not only for cigarettes but also a wide range of consumer products such as foods, over the counter pharmaceutical products and personal care products. The company's investigation and opinions of outside independent toxicologists confirm that the trace amounts of MITC that were found in some of the filters do not present any safety concerns for consumers. The statement generated only a small number of media calls.

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PM USA issues statement: "PM USA Charges Waxman with Misleading American Public."

In "Lawmaker Applies Pressure for Regulation of Nicotine in *The New York Times*, Phil Hilts reported that Congressman Henry Waxman asserted that PM deliberately manipulated nicotine levels in B&H and Merit Ultra Lights.

### **August 1995**

1 PM USA issues statement addressing, in more details, Waxman's 7/24 allegations: "PM details additional misrepresentations by Waxman." In the statement PM states that Waxman's allegation that PM conducted research on the pharmacological effects of nicotine on children was false. It also clarified any misconceptions of the studies of smoking and stress among college students.

*The Wall Street Journal* runs piece by Tim Noah "Waxman Says Data Suggest Nicotine Was Boosted in Philip Morris cigarettes. Noah writes that Waxman's staff did an analysis of FTC data and suggested that PM deliberately raised nicotine levels in two low-tar cigarettes.

John Schwartz wrote "New Memos Point to Manipulation of Nicotine in Low-Tar Cigarettes" for *The Washington Post*.

Phil Hilts writes "Philip Morris Denies Charge by Lawmaker for *The New York Times*.

2 Congressmen Durbin, Meehan and Waxman announce results of California study "Operation Store Front", citing "ineffectiveness" of tobacco. Again stressed need to have legislation to curb minors' smoking/access. Also address defend Waxman in light of PM's 8/1 statement. PM responds again: PM issues statement: "PM corrects Congressman Waxman Again." Statement included March 1981 Report by the FTC.

*The Washington Post* runs Reuters wire story "Philip Morris Calls Charges Misleading."

USA Today runs Doug Levy's "Firm knew cigarette tar tested low." He cited text of a talk H. Wakeham, PM research director, on March 1, 1974 which reported on studies showing that smokers inhale sometimes twice as much tar and nicotine than the FTC test method predicted.

4 PM USA issues statement "Philip Morris Poses Questions That Congressman Waxman Should Answer."

7 *Newsweek* runs story "A Whiff of Smoking Guns" with caption "Cigarettes: New probes dig deeper into what executives knew about nicotine."

*The Wall Street Journal* runs piece "Tobacco Industry Faces Laws in Asia to Ban Selling, Advertising to Minors." It reports that in Seoul, South Korea, the

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municipal assembly moved to ban cigarette vending machines from public places and a ban on selling cigarettes to anyone under the age of 18 took effect in Hong Kong. Similar limits have been instituted in Malaysia, Taiwan, Thailand and South Korea.

**19** Researchers from Oxford University have released the largest study of heart attack survivors which found that the risk of heart attacks for adult smokers in their 30's and 40's is five times more likely than non smokers of the same age. The study, published in *The British Medical Journal*, was conducted in Britain and involved 46,000 people. Dr. Rory Collins, co-author of the report, stated "When cigarette smokers have a heart attack in their 30's and 40's, there is an 80 percent chance that tobacco caused it." The study was covered in both *The New York Times* and *The Wall Street Journal* on August 18.

**27** The San Francisco Chronicle reports that the House of Representatives has directed a federal agency to stop funding research probing tobacco industry efforts to counter anti smoking policy and legislation by Stanton Glantz, professor of medicine at UC-San Francisco. The House Appropriations Committee said that Glantz's work should not be paid by the cancer institute since it was political and social science, not medical or clinical.

#### **September 1995**

**22** The Canadian Supreme Court ruled that the Tobacco Products Control Act of 1988, which banned almost all advertising of tobacco products, was unconstitutional because it violated free expression. RJR-Macdonald and Imperial Tobacco have fought to overturn the law since 1988.

#### **November 1995**

**9** *The New York Times* reported that CBS lawyers ordered news program '60 Minutes' not to broadcast a planned interview with former Brown and Williamson executive. The CBS lawyers feared that they might be held legally responsible for tortious interference, a term that relates to inducing a party to break a contract. The former employee signed a non-disclosure contract with B&W when he left the company. Media coverage continued in *USA Today*, *The Boston Globe*, *The Wall Street Journal*, *The New York Post*, *The Daily News* and *Newsweek* through November 15.

**10** *The Wall Street Journal* ran "Companies Are Paying Big Fees to Get News About Beat Reporters" by Michael Moss. The story alleged that Philip Morris hires consultants to generate computer analyses of reporter's articles and enlist industry sources to critique writers they know.

**16** Alix Freedman, Elizabeth Jensen and Amy Stevens report in *The Wall Street Journal* that there was more to CBS "60 Minutes" story than just the CBS lawyers fearing a law suit. According to this report, the source hadn't given permission to air the interview, the source was paid \$12,000 as a consultant on a previous "60 Minutes" segment, and finally that a CBS lawyer agreed to indemnify the source against any libel action resulting from the aired segment.

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*Newsday* runs "Avoiding the Issue? More Insecurity from Media on Covering Tobacco Industry" by Rita Ciolli. The story started with the censoring of the "60 Minutes" interview and went on to conclude that the root of this latest decision was due to the ABC trial with PM.

More media coverage followed in *The New York Times*, *Investors Business Daily*.

**17** *The Daily News* revealed Jeffrey Wigand as the former B&W executive that was the source of the "60 Minutes" interview when it reprinted excerpts of the transcript in its story. CBS offered to indemnify Wigand. Major media coverage followed through November 21.

**21** In *The Wall Street Journal* Suein Hwang reported "Brown & Williamson Sues Ex-Executive Over Information Leaks to '60 Minutes.'" The PM/ABC suit is mentioned briefly.

The media coverage of '60 Minutes' and Wigand continues into first week of December.

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